

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 18, 2016,  
AT THE HYRUM CITY COUNCIL CHAMBERS, 60 WEST MAIN, HYRUM, UTAH.

**CONVENED:** 6:30 P.M.

**CONDUCTING:** Mayor Stephanie Miller

**ROLL CALL:** Councilmembers Kathleen Bingham, Jared L. Clawson, Paul C. James, Craig L. Rasmussen, and Aaron Woolstenhulme were present.

**CALL TO ORDER:** There being five members present and five members representing a quorum, Mayor Miller called the meeting to order.

**OTHERS PRESENT:** City Administrator Ron Salvesen and ten citizens. City Recorder Stephanie Fricke recorded the minutes.

**WELCOME:** Mayor Miller welcomed everyone in attendance and invited audience participation.

**PLEDGE OF ALLEGIANCE:** Councilmember Rasmussen led the governing body and the citizens in the Pledge of Allegiance.

**INVOCATION:** City Administrator Ron Salvesen

**APPROVAL OF MINUTES:**

The minutes of a regular meeting on July 21, 2016 were approved as written.

**ACTION**

Councilmember Rasmussen made a motion to approve the minutes of a regular meeting on July 21, 2016 as written. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen and Woolstenhulme voted aye. The motion passed.

**AGENDA ADOPTION:** A copy of the notice and agenda for this meeting was FAXED and emailed to The Herald Journal, posted on the Utah Public Notice Website and Hyrum City's Website, provided to each member of the governing body, and posted at the City Offices more than forty-eight hours before meeting time.

**ACTION**

Councilmember Clawson made a motion to approve the agenda for August 18, 2016 as published. Councilmember James seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye.

**The motion passed.**

8. PUBLIC COMMENT.
9. PUBLIC HEARING:
  - A. To receive public comment on amending Chapter 13.18 the Storm Water Ordinance of Title 13 of the Hyrum City Municipal Code to further comply with the State of Utah and the United State Environmental Protection Agency (EPA).
  - B. To receive public comment regarding a petition filed by Craig Thornley and Scott Kendrick proposing the annexation of 1.56 acres more or less of real property, located between approximately 825 East and 850 East between Highway 101 and 110 North (1.56 acres).
10. SCHEDULED DELEGATIONS:
  - A. Dan Larsen, Kartchner Homes - To request Concept Plan approval for Auburn Hill Subdivision located at approximately 600 South 800 East consisting of 121 residential single family houses on 44.23 acres.
  - B. Mark Humphreys, Homestead Cabinets - To request Site Plan approval for a storage building at 200 North 100 East.
11. INTRODUCTION AND ADOPTION OF ORDINANCES AND A RESOLUTION:
  - A. Ordinance 16-05 - An Ordinance amending Section 13.06.310 of Chapter 13.06 Drinking Water Source Protection; and Chapter 13.18 the Storm Water Ordinance of the Hyrum City Municipal Code to further comply with State and Federal Laws.
  - B. Ordinance 16-06 - An ordinance imposing a temporary moratorium on development of storage units under the provisions of Sections 17.44.020, 17.45.020, 17.48.020, 17.49.020, and 17.50.020 of Title 17 of the Hyrum City Municipal Code.
  - C. Resolution 16-28 - A Resolution declaring Hyrum City real property as surplus and ordering the sale or disposal thereof.
12. OTHER BUSINESS:
  - A. Review of Hyrum City's Low to Moderate Income Housing Plan.
  - B. Selection of Real Estate Agent for the 80 East Main (old grocery store property).
  - C. Mayor and City Council reports.
13. ADJOURNMENT

**PUBLIC COMMENT:**

Mayor Miller said if a citizen has a question or would like to make a comment to please keep it under three minutes.

Doug Bingham said he appreciates Homestead Cabinets efforts to control clutter and debris on its site with its proposed addition. However, he is concerned about snow falling off the roof of the addition and breaking his fence. The addition is within 5 feet of the property line and he was hoping the City Council would consider requiring 10 feet from the roof line to the property line.

There being no further public comment, Mayor Miller moved to the next agenda item.

**PUBLIC HEARING:**

**TO RECEIVE PUBLIC COMMENT ON AMENDING CHAPTER 13.18 THE STORM WATER ORDINANCE OF TITLE 13 OF THE HYRUM CITY MUNICIPAL CODE TO FURTHER COMPLY WITH THE STATE OF UTAH AND THE UNITED STATE ENVIRONMENTAL PROTECTION AGENCY (EPA) .**

Mayor Miller said JUB Engineering has reviewed the Storm Water Ordinance and is recommending the proposed changes to Chapter 13.18 to further comply with new State of Utah Storm Water MS4 Permit and EPA requirements.

**ACTION** Councilmember Bingham made a motion to open the public hearing at 6:40 p.m. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

Mayor Miller asked if there was any public comment, there being none she asked for a motion to close the public hearing.

**ACTION** Councilmember James made a motion to close the public hearing at 6:41 p.m. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

**TO RECEIVE PUBLIC COMMENT REGARDING A PETITION FILED BY CRAIG THORNLEY AND SCOTT KENDRICK PROPOSING THE ANNEXATION OF 1.56 ACRES MORE OR LESS OF REAL PROPERTY, LOCATED BETWEEN APPROXIMATELY 825 EAST AND 850 EAST BETWEEN HIGHWAY 101 AND 110 NORTH (1.56 ACRES).**

Mayor Miller said the City Council received the certification of the Kendrick/Thornley Annexation on July 7, 2016. The notice was published in the Herald Journal for 3 consecutive weeks and no protests were received. Tonight is the only the public hearing

for this annexation. The ordinance annexing the property and an annexation agreement will be placed on a future agenda.

**ACTION**

**Councilmember James made a motion to open the public hearing at 6:43 p.m. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.**

Scott Kendrick said he has met with Utah Department of Transportation (UDOT) about an access but UDOT is unwilling to give them one. He is going to make the final payment to Craig Thornley for this property at the end of the month, but he is not sure he will get an access to use the property.

City Administrator Ron Salvesen said UDOT has spoken to him about this issue. It has offered to deed the City the dead end road that the State owns to the south side of the property, however, it comes with conditions. UDOT wants Kendrick's to close an access onto Highway 165 in front of the gas station Kendrick's own; and if the road is deeded by Hyrum City to Kendrick's (after UDOT deeds it to Hyrum City) that all adjacent properties have a deeded right-of-way to access their property from that road.

Scott Kendrick said he will not agree to shut off one of his gas station's accesses onto Highway 165. Accessibility to a gas station is critical to its success. If he doesn't have these accesses people will drive by and go to another gas station.

City Administrator Ron Salvesen said it is UDOT's road and there is nothing Hyrum City can do. UDOT has policies that it follows and it wants to limit accesses onto State Highways. Since Kendrick's are requesting an access onto one of its roads and wants property owned by the State, the State is going to require them to close one of its accesses.

Councilmember James said the City can talk to UDOT about this but the City has no control over UDOT and its decisions or policies.

Mayor Miller asked if there was any further public comment, there being none she asked for a motion to close the public hearing.

**ACTION**

**Councilmember James made a motion to close the public hearing at 6:55 p.m. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion**

**passed.**

Mayor Miller asked the City Council if it had any special conditions or concerns it wanted included in the annexation agreement for the Thornley/Kendrick property.

Councilmember Rasmussen said Kendricks have expressed that they want to build storage units on this property. On tonight's agenda there is an ordinance to adopt a moratorium on storage units until the Planning Commission reviews the ordinance and makes recommendations as to whether storage units should still be allowed in Hyrum; setbacks for storage units that front State Highways; if the number of storage units be determined by population; etc. If the City Council places a moratorium on storage units this property will be subject to the new regulations on storage units. Kendricks need to be aware that storage units may no longer be allowed in the Commercial C-1 Zone and may need to find a different use for this property.

Scott Kendrick said he still wants the property annexed even if storage units are not allowed. He can and will find a different use for the property.

The City Council discussed what items should be addressed in the annexation agreement. The annexation agreement should include all utility extensions and connections are the responsibility of the property owner; Hyrum City will meet with UDOT to discuss accesses onto the State Highway but is not responsible for any decisions made by UDOT; and water rights of three acre feet per acre of ground will be either be turned into the City or purchased from the City before recording the annexation.

***SCHEDULED DELEGATIONS:***

**DAN LARSEN, KARTCHNER HOMES - TO REQUEST CONCEPT PLAN APPROVAL FOR AUBURN HILL SUBDIVISION LOCATED AT APPROXIMATELY 600 SOUTH 800 EAST CONSISTING OF 121 RESIDENTIAL SINGLE FAMILY HOUSES ON 44.23 ACRES.**

Mayor Miller said Auburn Hill Subdivision was approved almost 10 years ago with a different name and there was a different developer at that time. The plat was never recorded nor were any improvements made to the property. Kartchner Homes has bought this property and wants to develop this property the layout has been changed to increasing the number of lots and the road configuration has been changed. On August 11, 2016 the Planning Commission reviewed the Concept Plan for Auburn Hill Subdivision at approximately 600 South 800 East and recommended approval with the following conditions: 1. The canal be fenced; 2. City utility

easement on west boundary be clearly marked on plan; 3. Lots on Highway 165 front the State Highway with rear garage entry; and 4. Lot 102 be used as a turnaround area and/or storm water retention pond.

Dan Larsen with Kartchner Homes said this property is not going to be developed all at once. It will be developed in phases and phase 1 will include the lots that front Highway 165.

Councilmember Rasmussen asked if the design of the subdivision complied with Hyrum City's Transportation Master Plan for 6200 South.

City Administrator Ron Salvesen said 600 South will be a main arterial route since it will connect this property to Rosewood/Fernwood Subdivision, Rolling Hills Estates and to 600 South and 250 East.

**ACTION**

Councilmember James made a motion to approve the Concept Plan for Auburn Hill Subdivision located at approximately 600 South 800 East consisting of 121 residential single family houses on 44.23 acres with the following conditions: 1. The canal be fenced; 2. City utility easement on west boundary be clearly marked on plan; 3. Lots on Highway 165 front the State Highway with rear garage entry; and 4. Lot 102 be used as a turnaround area and/or storm water retention pond. Councilmember Bingham seconded the motion

Councilmember Rasmussen recommended amending the motion to include 5. Developer is responsible to build a bridge across canal in the phase deemed necessary; 6. A storm water management plan needs to be presented and approved; and 7. A soil percolation test be conducted before preliminary plat approval. Councilmember James and Councilmember Bingham accepted Councilmember Rasmussen's amendments to the motion. Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

**MARK HUMPHREYS, HOMESTEAD CABINETS - TO REQUEST SITE PLAN APPROVAL FOR A STORAGE BUILDING AT 200 NORTH 100 EAST.**

Clay Grover said Mark Humphreys was unable to attend tonight's meeting and asked him to attend in his place. He is the General Manager for Homestead Cabinets. Homestead Cabinets wants to install a metal building on its property. This new building will help in cleaning up the property.

City Administrator Ron Salvesen said on August 11, 2016 the Planning Commission recommended approval of the site plan for a storage building at 200 North 100 East with no additional conditions.

Councilmember Bingham said she is concerned about storm water run off onto neighboring property and possible fence damage from falling snow off of the roof if the building is placed within 5' of the neighboring property owner's fence.

**ACTION**

Councilmember Rasmussen made a motion to approve the site plan for a storage building at 200 North 100 East with the condition that the Homestead Cabinets addresses the storm water issue with adjacent property owners. Councilmember James seconded the motion.

Councilmember Bingham recommended amending the motion to include the building be located at least 8 feet from the property line. Councilmember Rasmussen nor James accepted the amendment.

A vote was called on the original motion and Councilmembers Clawson, James, Rasmussen, and Woolstenhulme voted aye; Councilmember Bingham voted nay. The motion passed.

***INTRODUCTION AND ADOPTION OF ORDINANCES AND A RESOLUTION:***

ORDINANCE 16-05 - AN ORDINANCE AMENDING SECTION 13.06.310 OF CHAPTER 13.06 DRINKING WATER SOURCE PROTECTION; AND CHAPTER 13.18 THE STORM WATER ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE TO FURTHER COMPLY WITH STATE AND FEDERAL LAWS.

**ACTION**

Councilmember James made a motion to adopt Ordinance 16-05 amending Section 13.06.310 of Chapter 13.06 Drinking Water Source Protection; and Chapter 13.18 the Storm Water Ordinance of the Hyrum City Municipal Code to further comply with State and Federal Laws. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

ORDINANCE 16-06 - AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON DEVELOPMENT OF STORAGE UNITS UNDER THE PROVISIONS OF SECTIONS 17.44.020, 17.45.020, 17.48.020, 17.49.020, AND 17.50.020 OF TITLE 17 OF THE HYRUM CITY MUNICIPAL CODE.

**ACTION** Councilmember Bingham made a motion to adopt Ordinance 16-06 an ordinance imposing a temporary moratorium on development of storage units under the provisions of Sections 17.44.020, 17.45.020, 17.48.020, 17.49.020, and 17.50.020 of Title 17 of the Hyrum City Municipal Code. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

**RESOLUTION 16-28 - A RESOLUTION DECLARING HYRUM CITY REAL PROPERTY AS SURPLUS AND ORDERING THE SALE OR DISPOSAL THEREOF.**

**ACTION** Councilmember James made a motion to approve Resolution 16-28 a resolution declaring Hyrum City Real Property as surplus and ordering the sale or disposal thereof. Councilmember Bingham seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

***OTHER BUSINESS:***

**REVIEW OF HYRUM CITY'S LOW TO MODERATE INCOME HOUSING PLAN.**

City Administrator said the law requires City's to review and update their low to moderate income housing plan on a biennial basis. Hyrum City meets and is fulfilling its obligation for affordability as defined by House Bill 295.

**ACTION** Councilmember James made a motion to approve and authorize submission of Hyrum City's Low to Moderate Income Housing Plan. Councilmember Rasmussen seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.

**SELECTION OF REAL ESTATE AGENT FOR THE 80 EAST MAIN (OLD GROCERY STORE PROPERTY) .**

City Administrator Ron Salvesen said Hyrum City received a couple of real estate listing and selling proposals for the property the City owns at 80 East Main (the old Grocery Store Property) from Hyrum Realtors.

Councilmember Rasmussen said it seemed like Angi Bair really



focused on it being sold for commercial development and understands what type of businesses the City wants in Hyrum. She also is a full time real estate agent where the other realtors that submitted proposals are not full time.

**ACTION**

**Councilmember Rasmussen made a motion to approve Angi Bair as the listing agent for Hyrum City's old grocery store property at 80 East Main. Councilmember Clawson seconded the motion and Councilmembers Bingham, Clawson, James, Rasmussen, and Woolstenhulme voted aye. The motion passed.**

**MAYOR AND CITY COUNCIL REPORTS.**

Councilmember Woolstenhulme said National Night Out Against Crime was well attended this year and the citizens really enjoyed having Life Flight land early in the evening this year.

Councilmember Rasmussen said there were 23 people involved in Hyrum City's Community Fair Booth. It is a lot of work and there are getting to be fewer community booths each year.

Councilmember James said the Senior Center has a few trips planned for this fall. He said he has heard from many residents who would like the opportunity to reserve the pavilions at Salt Hollow Park and Blacksmith Park. He would like a reservation policy to be placed on a future City Council Agenda so that reservations of the pavilions can be made starting January 1.

Councilmember Bingham said there are three more parades left for that the Hyrum Royalty will be in this year.

Councilmember Clawson said the Hyrum Library Summer Reading Program Closure Social at the Logan Pool was a success with over 700 people there.

Mayor Miller said the cabins will close this Saturday for the year. The cabins were extremely busy while the Summer Reading Program was going on but once it was over the number of people visiting the cabins dwindled.

**ADJOURNMENT:****ACTION**

**There being no further business before the City Council, the Council Meeting adjourned at 8:17 p.m.**

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Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Approved: September 1, 2016  
As Written